

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GEORGEANNE SMITH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**COMPLAINT FOR DAMAGES FOR
MEDICAL NEGLIGENCE**

COMES NOW Plaintiff, Georgeanne Smith, through counsel the Voorhees Law Firm, Scott F. Voorhees, and for cause of action against Defendant, alleges as follows:

JURISDICTION

1. Plaintiff Georgeanne Smith is a resident of Mora County, State of New Mexico and has been at all times relevant hereto.
2. Georgeanna Smith sustained injury while undergoing treatment at the Mora Valley Community Health Services clinic.
3. The Mora Valley Community Health Services clinic is a is a federally qualified health center pursuant to 42 USC §254(b) and is deemed a Public Health Service employer pursuant to the Federally Supported Health Centers Assistance Acts of 1992 and 1995. The United States of America is therefore the proper defendant in this case.
4. At all times relevant hereto Amy Weiss and Dana Savage were employed as nurse practitioners at Mora Valley Community Health Services clinic. Nurse Practitioners Weiss and Savage were acting in the course and scope of their employment when they provided treatment to Georgeanne Smith.

5. Georgeanne Smith filed the appropriate Form 95 with the U.S. Department of Health and Human Services. More than six months have elapsed since the form was filed. The U.S. Department of Health and Human Services has failed to accept or deny the claim.

BACKGROUND

6. On March 8, 2019 Georgeanne Smith was working on her property when she stepped on a nail that was sticking up from a board. The nail went through her foot near the ball of the foot. The nail did not break the skin on the top of the foot, but did cause a bulge on the top of her foot.
7. On the day of the incident she went to Mora Valley Community Health Services clinic and was treated by Nurse Practitioner Weiss. Georgeanne Smith told Nurse Practitioner Weiss that the nail was not clean and that it had come from a pen in which livestock were kept. Nurse Practitioner Weiss gave Georgeanne a tetanus shot, soaked the foot and gave her a topical antibiotic. Nurse Practitioner Weiss did not clean the wound and did not provide or prescribe systemic antibiotics. She then discharged Georgeanne Smith.
8. On Monday, March 11, 2019 Georgeanne Smith returned to Mora Valley Community Health Services clinic because her foot was painful, red and inflamed. She was treated on that visit by Nurse Practitioner Savage who prescribed Ibuprofen 800 mg tablets and advised Georgeanne Smith to soak her foot in Epsom salt three times a day. Georgeanne Smith was advised to follow up in one week.
9. On Wednesday, March 13, 2019 Georgeanne Smith returned to Mora Valley Community Health Services clinic with increased foot pain, fever, increased redness with swelling. The pain had become so intense that Georgeanne Smith had punctured the top of her foot with a sterile needle and pus came from the wound that morning. Nurse Practitioner Savage advised Georgeanne Smith to go to the emergency department of a hospital.
10. Georgeanne Smith then went to Christus St. Vincent Regional Medical Center in Santa Fe, New Mexico where she was admitted and remained hospitalized for six days because of a serious infection in her foot.

COUNT I

11. Nurse Practitioners Weiss and Savage had the duty to possess and apply the knowledge and to use the skill and care ordinarily used by reasonably well-qualified nurse practitioners while treating Georgeanne Smith.
12. Nurse Practitioners Weiss and Savage breached that duty and were negligent when they failed to possess and apply the knowledge and use the skill and care ordinarily used by well-qualified nurse practitioners in that they failed to appropriately clean, care for and treat the wound on Georgeanne Smith's foot.
13. Nurse Practitioners Weiss and Savage breached that duty and were negligent when they failed to possess and apply the knowledge and use the skill and care ordinarily used by well-qualified nurse practitioners in that they failed to refer Georgeanne Smith to a higher level of care when she had a serious injury to her foot.
14. As a direct and proximate result of the negligence of Nurse Practitioners Weiss and Savage Georgeanne Smith sustained a painful infection in her foot, incurred medical bills, lost income, lost household services and endured pain and suffering and loss of enjoyment of life.

WHEREFORE, Plaintiff Georgeanne Smith prays for judgment to be entered against Defendant as follows:

- A. For medical expenses, past and future, in an amount to be proved at trial;
- B. For loss of income, past and future, in an amount to be proved at trial;
- C. For loss of household services, past and future, in an amount to be proved at trial;
- D. For pain and suffering, past and future, in an amount to be proved at trial;
- E. For loss of enjoyment of life, past and future, in an amount to be proved at trial;
- F. For pre-judgment and post judgment interest;
- G. For costs incurred herein; and
- H. For such other and further relief as the Court deems just.

Voorhees Law Firm, P.C.

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